

JUN - 8 2017

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

BUCA RESTAURANTS 2, INC., a Minnesota corporation, and DOES 1 through 20, Inclusive

CONFIRMED COPY
ORIGINAL ORIGNAL USO DE LA CORTE
Superior Court of California
County of Los Angeles

JUN 07 2017

Sheri R. Carter, Executive Officer/Clerk
By: Glorieta Robinson, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. You written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

AVISO! *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte puede desechar el caso.

The name and address of the court is: LASC - Central
(El nombre y dirección de la corte es):

111 N. Hill Street
Los Angeles, CA 90012
Stanley Mosk Courthouse

BC 664241
CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiffs attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

A. Jacob Nalbandyan, Esq. (272023) | Charles L. Shute, Esq. (288860)
Employees Legal Advocates, LLP
811 Wilshire Blvd. Suite 800
Los Angeles, CA 90017

SHERI R. CARTER

DATE:
(Fecha)

Clerk, by
(Secretario)

Glorietta Robinson

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify): *Buca Restaurants 2, Inc., a Minnesota Corporation*

under:

<input checked="" type="checkbox"/>	CCP 416.10 (corporation)	<input type="checkbox"/>	CCP 416.60 (minor)
<input type="checkbox"/>	CCP 416.20 (defunct corporation)	<input type="checkbox"/>	CCP 416.70 (conservatee)
<input type="checkbox"/>	CCP 416.40 (association or partnership)	<input type="checkbox"/>	CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):			

4. by personal delivery on (date):

1 A. Jacob Nalbandyan, Esq. (SBN 272023)
2 jnalbandyan@employeesla.com
3 Charles L. Shute, Esq. (SBN 288860)
4 cshute@employeesla.com
5 **EMPLOYEES' LEGAL ADVOCATES, LLP**
6 811 Wilshire Blvd, Suite 800
7 Los Angeles, CA 90017
8 Tel: (213) 232-4848
Fax: (213) 232-4849

9 Attorneys for Plaintiff,
10 DANIEL GONZALEZ

11 **CONFORMED COPY**
12 **ORIGINAL FILED**
13 Superior Court of California
14 County of Los Angeles

15 JUN 07 2017

16 **Shawn R. Carter, Executive Officer/Clerk**
17 **By: Monella Robinson, Deputy**

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

20 **BC 664241**

21 DANIEL GONZALEZ, an individual,

22 Plaintiff,

23 vs.

24 BUCA RESTAURANTS 2, INC., a Minnesota
25 corporation, and DOES 1 through 20, Inclusive,

26 Defendants.

27) Case No.:
28)
29) **CLASS ACTION**
30)
31) **COMPLAINT FOR DAMAGES,**
32) **INJUNCTIVE, RESTITUTIONARY, AND**
33) **DECLARATORY RELIEF**
34)
35) 1. FAILURE TO PROVIDE MEAL
36) PERIODS
37) 2. FAILURE TO PROVIDE REST
38) PERIODS
39) 3. WILLFUL FAILURE TO PAY
40) WAGES
41) 4. FAILURE TO PROVIDE ITEMIZED
42) WAGE STATEMENTS
43) 5. VIOLATION OF BUSINESS AND
44) PROFESSIONS CODE § 17200, et seq.
45)
46) Demand over \$25,000.00
47)
48) **Demand for Jury Trial**
49)
50)

1 Plaintiff DANIEL GONZALEZ (hereinafter "Plaintiff") brings this class action on behalf of
2 himself and other similarly situated current and former non-exempt hourly wage earners employed in the
3 State of California (hereinafter referred to as "Class Members") of Defendant BUCA RESTAURANTS
4 2, INC. and other as of yet unnamed Defendants, DOES 1 through 20, inclusive (collectively hereinafter,
5 "Defendants"), who are similarly situated, for violations of the California Labor Code. Plaintiff reserves
6 the right to name additional class representatives. Plaintiff and Class Members seek damages, statutory
7 penalties, attorney's fees, statutory interest, and costs of suit.

8

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PARTIES, VENUE, AND JURISDICTION

10 1. Plaintiff, at all relevant times herein resided in the County of Los Angeles, State of
11 California.

12 2. Defendant BUCA RESTAURANTS 2, INC. is a Minnesota Corporation with its
13 principal place of business in Los Angeles County.

14 3. Plaintiff is informed and believes, and thereon alleges, BUCA RESTAURANTS 2,
15 INC. owns and operates Italian restaurants.

16 4. The unlawful acts pleaded herein occurred in Los Angeles, California.

17 5. The true names and capacities of DOES 1 through 20, inclusive, whether individual,
18 corporate, associate, or otherwise, are unknown to Plaintiff who therefore sues said Defendants by
19 such fictitious names. At all relevant times herein, each of the fictitiously named Defendants was an
20 employee, agent, servant, partner, member, shareholder, officer, directors, joint venturers, co-
21 conspirator, or an alter ego of one of the named Defendants, and was acting within the purpose and
22 scope of said agency or employment.

23 6. Each of the fictitiously named Defendants is responsible for the wrongful acts alleged
24 herein, and Plaintiff's damages, as alleged herein, were proximately caused by such Defendants.
25 Plaintiff will amend this Complaint to show the true names and capacities of said Defendants when
26 they have been ascertained.

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7. As used herein, the term "Defendants" means all Defendants, both jointly and severally, and references by name to any named Defendant shall include all Defendants, both jointly and severally. Plaintiff is further informed and believes and thereon alleges that Defendants were acting within the course and scope of their agency and employment and with the knowledge and consent of each other.

8. **Venue is proper in Los Angeles County pursuant to California Code of Civil Procedure §§395(a), 395.5.**

9. On June 6, 2017 Plaintiff provided written notice by certified mail to the Labor and Workforce Development Agency and to Defendant BUCA RESTAURANTS 2, INC. of the specific provisions of the California Labor Code that Defendant BUCA RESTAURANTS 2, INC. violated, thereby satisfying the requirements of Cal. Lab. Code § 2699.3.

10. As of the date of the filing of this Complaint, Plaintiff has not received notice from the Labor and Workforce Development Agency. Should the Labor and Workforce Development Agency decide not to investigate the violations or should the Labor and Workforce Development Agency fail to respond to Plaintiff's notice, Plaintiff reserves the right, pursuant to Cal. Lab. Code § 2699.3(a)(2)(C), to amend this Complaint as a matter of right to add a cause of action pursuant to Cal. Lab. Code § 2698 ("Private Attorneys General Act").

FACTUAL ALLEGATIONS COMMON TO CLASS CLAIMS

11. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as though fully set forth herein.

12. Plaintiff brings this lawsuit as a class action, pursuant to California Code of Civil Procedure Section 382. This suit is a class-action brought on behalf of the Plaintiff class which is comprised of all persons who have been employed as hourly wage earners in California by BUCA RESTAURANTS 2, INC. during the class period.

13. At all times relevant herein, BBUCA RESTAURANTS 2, INC. was and is a Minnesota corporation, whose business consists of owning and operating a chain of Italian restaurants. Defendant's business has been and is regulated by various California Labor Code Sections including

1 but not limited to 226, 226.7, 510, 512, *et seq.*, and various Industrial Welfare Commission Wage
2 Orders, including but not limited to Wage Order Number 5.

3 14. BUCARESTAURANTS 2, INC. employs numerous wage earners, either presently or
4 at material times in the past, including Plaintiff and Class Members.

5 15. The class period is designated as of June 1, 2013 through the present, despite the fact
6 that the following conduct has systematically occurred long before this date. Plaintiff reserves the right
7 to amend this Complaint to reflect a different class period as discovery proceeds.

8 16. At all times relevant to this action, Plaintiff and Class Members were full-time, non-
9 exempt employees of Defendant.

10 17. At all times relevant to this action, Plaintiff and Class Members were denied the
11 opportunity to take legally mandated duty-free 10-minute rest periods and 30-minute meal periods.

12 18. At all times relevant to this action, Defendant failed to maintain a lawful policy for
13 providing lawful duty-free rest and meal periods for its employees and other labor rights.

14 19. Plaintiff was employed as a Cook for BUCARESTAURANTS 2, INC. from
15 approximately May 5, 2004 to July 25, 2016. Plaintiff's hourly wage at the time the employment
16 relationship ceased was \$15.00 per hour. Plaintiff generally worked seven shifts per week and
17 averaged at least forty hours of work per week.

18 20. At all times relevant to this action, Plaintiff is informed, believes, and thereon alleges
19 that his timesheets will demonstrate that he worked in excess of eight hours without breaks.

20 21. Since Plaintiff is a Class Member, all similarly situated employees were affected by
21 Defendant's scheme.

22 22. At no time relevant hereto has Defendant paid one hour of wages as compensation for
23 each duty-free meal and/or rest period not provided, when they became due and payable.

24 23. At all relevant times hereto, Defendant BUCARESTAURANTS 2, INC. failed to
25 furnish Plaintiff and Class Members with accurate itemized statements in writing showing the accurate
26 hours worked and paid and that Plaintiff and Class Members had earned one additional hour of pay for
27 meal and/or rest periods not provided.

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24. Plaintiff is informed and believes that Defendant is in possession of the relevant records that will enable an accurate calculation of the Plaintiff's hours worked, rest and meal periods missed, wages owed, damages and corresponding civil penalties.

CLASS ACTION ALLEGATIONS

25. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as though fully set forth herein.

26. Plaintiff brings this action as a class-action pursuant to California Code of Civil Procedure Section 382 on behalf of the following defined class:

All persons who, since June 1, 2013 through the present, have worked or are currently working as hourly wage earners in California for BUCA RESTAURANTS 2, INC., and have been subjected to California Labor Code violations by it.

27. **Numerosity:** Plaintiff is informed and believes, and thereon alleges that during the class period at least 100 persons have been employed as hourly wage earners for Defendant in the State of California. The members of the class are so numerous that joinder of all members would be impractical, if not impossible. Although the number of class members cannot be properly determined without further discovery, the identity of the members of the class is readily ascertainable by review of BUCA RESTAURANTS 2, INC.'s records.

28. **Adequacy:** The named Plaintiff is fully prepared to represent fairly, and protect the interests of the class members, has no interest antagonistic to them, and will vigorously pursue this suit. Plaintiff's counsel is competent, skilled and capable of litigating this action, as counsel has extensive experience in wage and hour law, and has successfully litigated many cases.

29. **Typicality:** Plaintiff's claims are typical of the members of the Plaintiff class. Plaintiff, like all other members of the class of hourly wage earners working for BUCA RESTAURANTS 2, INC., was subjected to BUCA RESTAURANTS 2, INC.'s systemic course of illegal payroll practices and policies, which applied to all Class Members, including a policy of failing to provide rest and meal periods, failing to provide accurate pay stubs, and willfully failing to pay wages when due, in violation of California law. Plaintiff's job duties and claims were and are typical

1 of those of other class members who worked for BUCA RESTAURANTS 2, INC. as non-exempt
2 hourly employees in California.

3 **30. Superiority:** A class action is the only realistic method available for the fair and
4 efficient adjudication of this controversy. Because the damages suffered by individual class members,
5 while not inconsequential, may be relatively small, the expense and burden of individual litigation
6 makes it impracticable for members of the class to seek redress individually for the wrongful conduct
7 herein alleged. Were each individual members required to bring a separate lawsuit, the resulting
8 multiplicity of proceedings would cause undue hardship and expense for the litigants and the Court.
9 The prosecution of separate actions would also create the risk of inconsistent rulings, which may be
10 dispositive of the interest of class members who are not parties to the adjudication and may
11 substantially impede Class Members' ability to protect their interests, and therefore would be contrary
12 to the interest of justice and equity.

13 **31. Common questions of law and fact:** Among the questions of law and fact that are
14 common to the Plaintiff class are:

- 15 a. whether BUCA RESTAURANTS 2, INC. unlawfully failed to permit meal
16 periods in violation of CAL. LAB. CODE §§ 512 & 226.7 and IWC Wage Order
17 No. 5-2001, Section 11;
- 18 b. whether BUCA RESTAURANTS 2, INC. unlawfully failed to permit rest
19 periods in violation of CAL. LAB. CODE §226.7 and IWC Wage Order No. 5-
20 2001, Section 12;
- 21 c. whether BUCA RESTAURANTS 2, INC.'s failure to provide accurate paystubs
22 reflecting total hours worked, wages earned, and rest and meal periods in
23 appropriate workweeks violates applicable provisions of the California Labor
24 Code, IWC Wage Orders, and the California Business and Professions Code;
- 25 d. whether BUCA RESTAURANTS 2, INC. failed to promptly pay, and willfully
26 withheld compensation owing to members of the Plaintiff class when due in
27 violation of CAL. LAB. CODE §§201-203; and

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e. whether Class Members sustained damages as a result of Defendant's violations and, if so, the proper measure of such damages.

32. Plaintiff knows of no difficulty that may be encountered in the management of this litigation that would preclude its maintenance as a class-action.

33. The names and addresses of the Class Members are available from Defendant. Notice will be provided to the Class Members via first class mail and by use of other forms of notice similar to those customarily used in class-actions.

FIRST CAUSE OF ACTION

FAILURE TO PROVIDE MEAL PERIODS

34. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as though fully set forth herein.

35. CAL. LAB. CODE §§ 512, 226.7, IWC Wage Order No. 5-2001 §11 require employers to provide every employee with an uninterrupted meal period of not less than 30 consecutive minutes, for every period of work exceeding five hours.

36. Throughout Plaintiff's and Class Members' employment, they regularly worked in excess of five hours per day without being permitted to take uninterrupted 30-minute meal periods. Defendant routinely failed to provide Plaintiff and Class Members duty-free meal periods that were not provided in accordance with Labor Code Sections 226.7 and 512 and/or Wage Order Number 5 during the class period. Furthermore, Defendant did not and does not provide Plaintiff and Class Members uninterrupted meal periods or pay to Plaintiff and Class Members one hour of wages as compensation for the duty-free meal periods not provided, as required by law.

37. Consequently, Plaintiff and Class Members are owed unpaid wages, plus interest on that amount at ten percent per annum, calculated at one hour of pay at their regular hourly rate for each day that they were denied such a meal period pursuant to CAL. LAB. CODE §§ 512, 226.7, IWC Wage Order No. 5-2001 §11. Plaintiff and Class Members are also entitled to reasonable attorneys' fees and costs of suit.

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1 38. Enforcement of statutory provisions enacted to protect workers and to ensure proper and
2 prompt payment of wages due to employees is a fundamental public interest in California.
3 Consequently, Plaintiff's success in this action will result in the enforcement of important rights as
4 affecting the public interest and will confer a significant benefit upon the general public. Private
5 enforcement of the rights enumerated herein is necessary, as no public agency has pursued enforcement.
6 Plaintiff is incurring a financial burden in pursuing this action and it would be against the interests of
7 justice to require the payment of attorneys' fees and costs by Plaintiff from any recovery that might be
8 obtained herein, pursuant to, *inter alia*, Labor Code Section 218.5 and Code of Civil Procedure Section
9 1021.5.

10 39. In addition, if Plaintiff succeeds in enforcing these rights affecting the public interest,
11 then attorneys' fees may be awarded to Plaintiff and against Defendant under Code of Civil Procedure
12 Section 1021.5 and other applicable law in part because:

- 13 a. A successful outcome in this action will result in the enforcement of important
14 rights affecting the public interest by requiring Defendant to comply with the wage
15 and hour laws and California's unfair business practice laws;
- 16 b. This action will result in a significant benefit to Plaintiff, the Class Members, and
17 the general public by bringing to halt unlawful, unfair, deceptive, and misleading
18 activity and by causing the return of all ill-gotten gains obtained by Defendant;
- 19 c. Unless this action is prosecuted, Class Members and general public will not
20 recover those monies, and many of Defendant's employees would not be aware
21 that they were victimized by Defendant's wrongful acts and practices;
- 22 d. Unless this action is prosecuted, Defendant will continue to mislead its employees
23 about the true nature of their rights and remedies under the wage and hour laws;
24 and
- 25 e. An award of attorneys' fees and costs is necessary for the prosecution of this
26 action and will result in a benefit to Plaintiff, the Class Members, and to
27 consumers in general by preventing Defendant from continuing to circumvent the
28 wage and hour statutes and frustrate the long-standing recognition by the California

1 legislature and the courts that such statutes, as pled herein, are not merely a matter
2 of private concern between employer and employee to be eviscerated by
3 consideration of waiver, contributory negligence, good or bad faith, and private
4 agreements. Rather, the wage and hour statutes have been described as a matter of
5 public concern, were designed to provide minimum substantive guarantees to
6 individual workers, and are essential to public welfare.

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8 **SECOND CAUSE OF ACTION**

9 **FAILURE TO PROVIDE REST PERIODS**

10 40. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as
11 though fully set forth herein.

12 41. CAL. LAB. CODE §226.7, IWC Wage Order No. 5-2001 §12, require an employer to
13 provide every employee with an uninterrupted rest period of not less than 10-minutes, for every period
14 worked in excess of four hours. Throughout his employment, Plaintiff and Class Members regularly
15 worked in excess of four hours per day, and were thereby entitled to take uninterrupted 10-minute rest
16 periods. As a pattern and practice, Defendant has required Plaintiff and Class Members to work more
17 than four (4) hours per day without providing uninterrupted 10-minute rest periods. Defendant routinely
18 failed to provide Plaintiff and Class Members duty-free rest periods and/or to pay Plaintiff and Class
19 Members one additional hour of pay for each duty-free rest period that was not provided in accordance
20 with Labor Code Section 226.7 and Wage Order Number 5 during the class period.

21 42. Consequently, Plaintiff and Class Members are owed unpaid wages, plus interest on that
22 amount at ten percent per annum, calculated at one hour of pay at their regular hourly rate for each day
23 that they were denied such rest periods pursuant to CAL. LAB. CODE § 226.7 and Wage Order 5. Plaintiff
24 and Class Members are also entitled to reasonable attorney's fees and costs of suit.

25 43. Enforcement of statutory provisions enacted to protect workers and to ensure proper and
26 prompt payment of wages due to employees is a fundamental public interest in California.
27 Consequently, Plaintiff's success in this action will result in the enforcement of important rights as
28 affecting the public interest and will confer a significant benefit upon the general public. Private

1 enforcement of the rights enumerated herein is necessary, as no public agency has pursued enforcement.
2 Plaintiff is incurring a financial burden in pursuing this action and it would be against the interests of
3 justice to require the payment of attorneys' fees and costs by Plaintiff from any recovery that might be
4 obtained herein, pursuant to, *inter alia*, Labor Code Section 218.5 and Code of Civil Procedure Section
5 1021.5.

6 44. In addition, if Plaintiff succeeds in enforcing these rights affecting the public interest,
7 then attorneys' fees may be awarded to Plaintiff and against Defendant under Code of Civil Procedure
8 Section 1021.5 and other applicable law in part because:

- 9 a. A successful outcome in this action will result in the enforcement of important
10 rights affecting the public interest by requiring Defendant to comply with the wage
11 and hour laws and California's unfair business practice laws;
- 12 b. This action will result in a significant benefit to Plaintiff, the Class Members, and
13 the general public by bringing to halt unlawful, unfair, deceptive, and misleading
14 activity and by causing the return of all ill-gotten gains obtained by Defendant;
- 15 c. Unless this action is prosecuted, Class Members and general public will not
16 recover those monies, and many of Defendant's employees would not be aware
17 that they were victimized by Defendant's wrongful acts and practices;
- 18 d. Unless this action is prosecuted, Defendant will continue to mislead its employees
19 about the true nature of their rights and remedies under the wage and hour laws;
20 and

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e. An award of attorneys' fees and costs is necessary for the prosecution of this action and will result in a benefit to Plaintiff, the Class Members, and to consumers in general by preventing Defendant from continuing to circumvent the wage and hour statutes and frustrate the long-standing recognition by the California legislature and the courts that such statutes, as pled herein, are not merely a matter of private concern between employer and employee to be eviscerated by consideration of waiver, contributory negligence, good or bad faith, and private agreements. Rather, the wage and hour statutes have been described as a matter of public concern, were designed to provide minimum substantive guarantees to individual workers, and are essential to public welfare.

THIRD CAUSE OF ACTION

WILLFUL FAILURE TO PAY WAGES

45. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as though fully set forth herein.

46. CAL. LAB. CODE § 201 provides in relevant part: “[i]f an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately.”

47. CAL. LAB. CODE § 202 provides in relevant part: “[i]f an employee not having a written contract for a definite period quits his or her employment, his or her wages shall become due and payable not later than 72 hours thereafter, unless the employee has given 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.”

48. As alleged herein, Defendant willfully failed to pay wages of Plaintiff and Class Members at the time they became due and payable, in violation of Labor Code Sections 201 and 202.

49. Defendant's failure to pay wages as alleged herein was willful as Defendant knew that Plaintiff and Class Members did not receive all earned pay based on at least the following: (1) Defendant has records of the actual hours Plaintiff and Class Members worked, wages actually paid, and the meal and/or rest periods Plaintiff and Class Members missed; and (2) these records reflected that

1 Plaintiff and Class Members were not paid minimum wages, overtime wages, and an hour of wages for
2 each duty-free meal and/or rest period that was not provided, as required by Labor Code Sections and
3 applicable Wage Orders, including but not limited to Wage Order Number 5.

4 50. As a result of Defendant's unlawful acts, Plaintiff and Class Members, who are former
5 employees of Defendant, are entitled to recover, pursuant to California Labor Code Section 203,
6 continuing wages as a penalty from the due date thereof at the same rate until paid or this action was
7 commenced, but no more than thirty days.

8 51. Enforcement of statutory provisions enacted to protect workers and to ensure proper and
9 prompt payment of wages due to employees is a fundamental public interest in California.
10 Consequently, Plaintiff's success in this action will result in the enforcement of important rights as
11 affecting the public interest and will confer a significant benefit upon the general public. Private
12 enforcement of the rights enumerated herein is necessary, as no public agency has pursued enforcement.
13 Plaintiff is incurring a financial burden in pursuing this action and it would be against the interests of
14 justice to require the payment of attorneys' fees and costs by Plaintiff from any recovery that might be
15 obtained herein, pursuant to, *inter alia*, Labor Code Section 218.5 and Code of Civil Procedure Section
16 1021.5.

17 52. In addition, if Plaintiff succeeds in enforcing these rights affecting the public interest,
18 then attorneys' fees may be awarded to Plaintiff and against Defendant under Code of Civil Procedure
19 Section 1021.5 and other applicable law in part because:

- 20 a. A successful outcome in this action will result in the enforcement of important
21 rights affecting the public interest by requiring Defendant to comply with the wage
22 and hour laws and California's unfair business practice laws;
- 23 b. This action will result in a significant benefit to Plaintiff, the Class Members, and
24 the general public by bringing to halt unlawful, unfair, deceptive, and misleading
25 activity and by causing the return of all ill-gotten gains obtained by Defendant;
- 26 c. Unless this action is prosecuted, Class Members and general public will not
27 recover those monies, and many of Defendant's employees would not be aware
28 that they were victimized by Defendant's wrongful acts and practices:

- d. Unless this action is prosecuted, Defendant will continue to mislead its employees about the true nature of their rights and remedies under the wage and hour laws; and
- e. An award of attorneys' fees and costs is necessary for the prosecution of this action and will result in a benefit to Plaintiff, the Class Members, and to consumers in general by preventing Defendant from continuing to circumvent the wage and hour statutes and frustrate the long-standing recognition by the California legislature and the courts that such statutes, as pled herein, are not merely a matter of private concern between employer and employee to be eviscerated by consideration of waiver, contributory negligence, good or bad faith, and private agreements. Rather, the wage and hour statutes have been described as a matter of public concern, were designed to provide minimum substantive guarantees to individual workers, and are essential to public welfare.

FOURTH CAUSE OF ACTION

FAILURE TO PROVIDE ITEMIZED WAGE STATEMENTS

17 53. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint, as
18 though fully set forth herein.

19 54. Pursuant to California Labor Code §§ 226(a) and 1174, on a semi-monthly basis or at the
20 time of the payment of wages, Defendant was required to furnish each of their employees with an
21 accurate itemized statement in writing showing, *inter alia*, the gross wages earned and the net wages
22 earned.

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1 55. At all relevant times herein, for each of Defendant's failures to provide Plaintiff and
2 Class Members overtime,double-time wages, and duty-fee meal and/or rest periods or pay to Plaintiff
3 and Class Members one hour wages as compensation for each duty-fee meal and/or rest period not
4 provided, in accordance with California law, Defendant failed to furnish Plaintiff and Class Member
5 with an accurate itemized statement in writing showing that Plaintiff's and Class Members' accurate
6 hours worked and paid and that they had earned one additional hour of pay for meal and/or rest periods
7 not provided.

8 56. Pursuant to California Labor Code Section 226(e), employees, such as Plaintiff and Class
9 Members who suffer injury as a result of a knowing and intentional failure by an employer to comply
10 with the provisions of California Labor Code Section 226(a) are entitled to recover the greater of all
11 actual damages or fifty dollars (\$50) for the initial pay period in which a violation occurs and one
12 hundred dollars (\$100) per employee for each violation in a subsequent pay period, not exceeding an
13 aggregate penalty of four thousand dollars (\$4,000), and are entitled to costs and reasonable attorney's
14 fees.

15 57. Defendant knowingly and intentionally failed to provide Plaintiff and Class Members
16 accurate itemized statements, in compliance with California Labor Code Section 226(a), and did so in
17 order to conceal their liability from Plaintiff and Class Members.

18 58. As a direct and proximate result of Defendant's failure to provide itemized wage and
19 hour statements, Plaintiff and Class Members have been unable to accurately calculate their tax
20 liabilities or adequately keep track of their wages and earnings, and thereby suffered actual injuries in
21 excess of the \$4,000.00 statutory maximum to be shown according to proof at trial.

22 59. Enforcement of statutory provisions enacted to protect workers and to ensure proper and
23 prompt payment of wages due to employees is a fundamental public interest in California.
24 Consequently, Plaintiff's success in this action will result in the enforcement of important rights as
25 affecting the public interest and will confer a significant benefit upon the general public. Private
26 enforcement of the rights enumerated herein is necessary, as no public agency has pursued enforcement.
27 Plaintiff is incurring a financial burden in pursuing this action and it would be against the interests of
28 justice to require the payment of attorneys' fees and costs by Plaintiff from any recovery that might be

1 obtained herein, pursuant to, *inter alia*, Labor Code Section 218.5 and Code of Civil Procedure Section
2 1021.5.

3 60. In addition, if Plaintiff succeeds in enforcing these rights affecting the public interest,
4 then attorneys' fees may be awarded to Plaintiff and against Defendant under Code of Civil Procedure
5 Section 1021.5 and other applicable law in part because:

- 6 a. A successful outcome in this action will result in the enforcement of important
7 rights affecting the public interest by requiring Defendant to comply with the wage
8 and hour laws and California's unfair business practice laws;
- 9 b. This action will result in a significant benefit to Plaintiff, the Class Members, and
10 the general public by bringing to halt unlawful, unfair, deceptive, and misleading
11 activity and by causing the return of all ill-gotten gains obtained by Defendant;
- 12 c. Unless this action is prosecuted, Class Members and general public will not
13 recover those monies, and many of Defendant's employees would not be aware
14 that they were victimized by Defendant's wrongful acts and practices;
- 15 d. Unless this action is prosecuted, Defendant will continue to mislead its employees
16 about the true nature of their rights and remedies under the wage and hour laws;
17 and
- 18 e. An award of attorneys' fees and costs is necessary for the prosecution of this
19 action and will result in a benefit to Plaintiff, the Class Members, and to
20 consumers in general by preventing Defendant from continuing to circumvent the
21 wage and hour statutes and frustrate the long-standing recognition by the California
22 legislature and the courts that such statutes, as pled herein, are not merely a matter
23 of private concern between employer and employee to be eviscerated by
24 consideration of waiver, contributory negligence, good or bad faith, and private
25 agreements. Rather, the wage and hour statutes have been described as a matter of
26 public concern, were designed to provide minimum substantive guarantees to
27 individual workers, and are essential to public welfare.

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FIFTH CAUSE OF ACTION

VIOLATION OF BUSINESS AND PROFESSIONS CODE § 17200, *et seq.*

61. Plaintiff incorporates, by reference, all the foregoing paragraphs of this Complaint as though fully set forth herein.

5 62. California Business and Professions Code Sections 17200 *et seq.* (“the UCL”) prohibit
6 unfair competition, including but not limited to any unlawful, unfair or fraudulent business practice.

7 63. California Labor Code Section 90.5(a) provides in relevant part that it is the public policy
8 of the State of California to vigorously enforce labor standards in order to ensure that employees are not
9 required to work under substandard unlawful conditions, and to protect employers who comply with the
10 law from those, such as Defendant, who attempt to gain a competitive advantage at the expense of their
11 workers by failing to comply with minimum labor standards.

12 64. At all relevant times hereto, Defendant's conduct, as set forth above, constitutes unlawful
13 business practices by definition and, thus, violates the UCL because of Defendant's failure to provide
14 Plaintiff and Class Members duty-free meal and/or rest periods, failure to provide accurate itemized
15 statements, and failure to timely pay all wages owed. Defendant's conduct constitutes unfair business
16 practices because Defendant's practices are unethical, unscrupulous, and substantially injurious to
17 consumers. The harm to Plaintiff, all others similarly situated, and to members of the general public,
18 outweighs the utility, if any, of Defendant's policy and practice. Also, Defendant's conduct constitutes
19 fraudulent business practices because Defendant's practices are likely to mislead Plaintiff, Class
20 Members, and members of the general public.

21 65. The unlawful, unfair, and fraudulent business practices by Defendant, as described
22 herein, present a continuing threat to the public in that consumers through California have suffered and
23 continue to suffer an injury in fact and lost money as a result of Defendant's unlawful, unfair, and
24 fraudulent acts or practices. Plaintiff suffered an actual injury and brings this action pursuant to Code of
25 Civil Procedure Section 382. In addition, Defendant has been unjustly enriched as a result of its conduct.
26 Plaintiff, Class Members, and the general public have no other adequate remedy of law in that absent
27 equitable relief from the Court, Defendant is likely to continue to injure consumers, reap unjust
28 enrichment, and harm the public interest, thus engendering a multiplicity of judicial proceedings.

1 66. All Class Members can be identified by reference to records in the possession of
2 Defendant. All Class Members are entitled to restitution of monies due to them during the relevant time
3 period as a result of said Defendant's unlawful, unfair, and fraudulent conduct, and to injunctive relief.

4 67. Plaintiff and Class Members are entitled to restitution of the unpaid amounts, as an
5 equitable remedy, and interest at the rate of ten percent per annum, costs of suit, and reasonable
6 attorneys' fees pursuant to the underlying claims as alleged herein above.

7 68. Pursuant to Business and Professions Code Section 17203, this Court may order payment
8 of the full amounts wrongfully retained by Defendant to Plaintiff and Class Members, who were not
9 fully compensated for Defendant's failure to provide minimum wages, overtime wages, duty-free meal
10 and/or rest periods at all relevant times herein. Plaintiff will, upon leave of Court, amend this Complaint
11 to state the amount of such wrongfully retained amounts when they are ascertained.

12 69. Injunctive relief is necessary and appropriate to prevent Defendant from repeating the
13 wrongful business practices alleged herein.

14 70. Plaintiff's success in this action will enforce important rights affecting the public interest
15 and in that regard Plaintiff sues on behalf of the public as well as himself. Plaintiff and Class Members
16 seek and are entitled to money owing and unpaid, an injunction, an equitable accounting, and all other
17 equitable relief required to remedy Defendant's violations herein.

18 71. Enforcement of statutory provisions enacted to protect workers and to ensure proper and
19 prompt payment of wages due to employees is a fundamental public interest in California.
20 Consequently, Plaintiff's success in this action will result in the enforcement of important rights as
21 affecting the public interest and will confer a significant benefit upon the general public. Private
22 enforcement of the rights enumerated herein is necessary, as no public agency has pursued enforcement.
23 Plaintiff is incurring a financial burden in pursuing this action and it would be against the interests of
24 justice to require the payment of attorneys' fees and costs by Plaintiff from any recovery that might be
25 obtained herein, pursuant to, *inter alia*, Labor Code Sections 218.5 and Code of Civil Procedure Section
26 1021.5.

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1 72. In addition, if Plaintiff succeeds in enforcing these rights affecting the public interest,
2 then attorneys' fees may be awarded to Plaintiff and against Defendant under Code of Civil Procedure
3 Section 1021.5 and other applicable law in part because:

- 4 a. A successful outcome in this action will result in the enforcement of important
5 rights affecting the public interest by requiring Defendant to comply with the wage
6 and hour laws and California's unfair business practice laws;
- 7 b. This action will result in a significant benefit to Plaintiff, the Class Members, and
8 the general public by bringing to halt unlawful, unfair, deceptive, and misleading
9 activity and by causing the return of all ill-gotten gains obtained by Defendant;
- 10 c. Unless this action is prosecuted, Class Members and general public will not
11 recover those monies, and many of Defendant's employees would not be aware
12 that they were victimized by Defendant's wrongful acts and practices;
- 13 d. Unless this action is prosecuted, Defendant will continue to mislead its employees
14 about the true nature of their rights and remedies under the wage and hour laws;
15 and
- 16 e. An award of attorneys' fees and costs is necessary for the prosecution of this
17 action and will result in a benefit to Plaintiff, the Class Members, and to
18 consumers in general by preventing Defendant from continuing to circumvent the
19 wage and hour statutes and frustrate the long-standing recognition by the California
20 legislature and the courts that such statutes, as pled herein, are not merely a matter
21 of private concern between employer and employee to be eviscerated by
22 consideration of waiver, contributory negligence, good or bad faith, and private
23 agreements. Rather, the wage and hour statutes have been described as a matter of
24 public concern, were designed to provide minimum substantive guarantees to
25 individual workers, and are essential to public welfare.



PRAYER FOR RELIEF

WHEREFORE, Plaintiff DANIEL GONZALEZ prays for relief and judgment against Defendants BUCA RESTAURANTS 2, INC. and DOES 1 through 20 as follows:

1. On all causes of action, for an Order certifying the class, naming Plaintiff set forth herein as Class Representative, naming the attorneys of record for Plaintiff in the included action as Class Counsel, and allowing this action to proceed and be maintained as a class action;
2. On the First Cause of Action:
 - a. A declaratory judgment that Defendant has violated Labor Code Sections 226.7 and 512, and Wage Order Number 5;
 - b. Pursuant to Labor Code Section 226.7 and Wage Order Number 5, an award to Plaintiff and Class Members of an additional hour of pay at the employees' regular rate of compensation for meal periods that were not provided or paid for at the rate of an additional hour of pay, in accordance with California law;
 - c. Accrued interest pursuant to Labor Code Sections 218.6; and
 - d. An award of reasonable attorneys' fees and costs pursuant to, *inter alia*, Labor Code Section 218.5 and 1194 and Code of Civil Procedure Section 1021.5.
3. On the Second Cause of Action:
 - a. A declaratory judgment that Defendant has violated Labor Code Sections 226.7, and Wage Order Number 5;
 - b. Pursuant to Labor Code Section 226.7 and Wage Order Number 5, an award to Plaintiff and Class Members of an additional hour of pay at the employees' regular rate of compensation for rest periods that were not provided or paid for at the rate of an additional hour of pay, in accordance with California law;
 - c. Accrued interest pursuant to Labor Code Section 218.6; and
 - d. An award of reasonable attorneys' fees and costs pursuant to, *inter alia*, Labor Code Section 218.5 and 1194 and Code of Civil Procedure Section 1021.5.
4. On the Third Cause of Action:
 - a. A declaratory judgment that Defendant has violated Labor Code Sections 201, 202, and 203;

- 1 b. A monetary award to Plaintiff and Class Members of continuing wages as a penalty
2 from the due date thereof at the same rate until paid or this action as commenced, but
3 no more than thirty days; and
4 c. An award of reasonable attorneys' fees and costs pursuant to, *inter alia*, Labor Code
5 Section 218.5 and 1194 and Code of Civil Procedure Section 1021.5.

6 5. On the Fourth Cause of Action:

- 7 a. A declaratory judgment that Defendant has violated Labor Code Section 226;
- 8 b. A monetary award as a penalty pursuant to Labor Code Section 226(e), as allowable by
9 law; and
- 10 c. An award of reasonable attorneys' fees and costs pursuant to, *inter alia*, Labor Code
11 Section 218.5 and 1194 and Code of Civil Procedure Section 1021.5.

12 6. On the Fifth Cause of Action:

- 13 a. That the Court retain jurisdiction over this matter until all sums owed by Defendant is
14 paid and all restitution due from Defendant is made, and that the Court issue an order
15 requiring Defendant to henceforth pay the damages or equitable relief sought herein to
16 Plaintiff and Class Members with respect to rest and meal periods starting four years
17 prior to the filing of this lawsuit and continuing;
- 18 b. Restitution of unpaid monies pursuant to Business & Professions Code Section 17203;
- 19 c. A preliminary and permanent injunction against Defendant restraining them from
20 violating the California Labor Code and Wage Orders now and in the future;
- 21 d. Accrued interest pursuant to Labor Code Section 218.6; and
- 22 e. An award of reasonable attorneys' fees and costs pursuant to, *inter alia*, Labor Code
23 Section 218.5 and 1194 and Code of Civil Procedure Section 1021.5.

24 7. Interest on all unpaid amounts;

25 8. Costs of suit;

26 9. All other relief that the Court deems just and proper.

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1 **DEMAND FOR JURY TRIAL**

2 Plaintiff and Class Members demand a trial by jury on all claims as provided by California law.

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4 Dated: June 1, 2017

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EMPLOYEES' LEGAL ADVOCATES, LLP

By: 

A. Jacob Nalbandyan, Esq.
Charles L. Shute, Esq.
Attorneys for Plaintiff,
DANIEL GONZALEZ



CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): A. Jacob Nalbandyan, Esq. (272023) Charles L. Shute, Esq. (288860) Employees' Legal Advocates, LLP 811 Wilshire Blvd, Suite 800 Los Angeles, CA 90017 TELEPHONE NO.:(213) 232-4848 FAX NO.:(213) 232-4849 ATTORNEY FOR (Name): Daniel Gonzalez		CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JUN 07 2017
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse		Shane R. Carter, Executive Officer/Clerk By: Marcella Robinson, Deputy
CASE NAME: Daniel Gonzalez vs. Buca Restaurants 2, Inc.		CASE NUMBER: BC 6 6 4 2 4 1
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) <input type="checkbox"/> (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		JUDGE: DEPT:

Items 1-5 below must be completed (see *instructions* on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Real Property	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment
Non-PI/PD/WD (Other) Tort		<input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer	Miscellaneous Civil Complaint
Employment	<input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Judicial Review	Miscellaneous Civil Petition
	<input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. Substantial post judgment judicial supervision

3. Type of remedies sought (check all that apply):

- a. monetary
- b. non monetary; declaratory or injunctive relief
- c. punitive

4. Number of causes of action (specify):

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-010.)

Date: June 1, 2017

Charles L. Shute, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary cause of action**. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)-Personal Injury/Property
Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice-Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach-Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09)
Collection Case-Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quite Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ-Administrative Mandamus
Writ-Mandamus on Limited Court Case Matter
Writ-Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgement (Out of County)
Confession of Judgement (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief for Late Claim
Other Civil Petition

SHORT TITLE: Daniel Gonzalez vs. Buca Restaurants 2, Inc.	CASE NUMBER BC 664241
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 20-25 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District. 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). 3. Location where cause of action arose. 4. Location where bodily injury, death or damage occurred. 5. Location where performance required or defendant resides.	6. Location of property or permanently garaged vehicle. 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office.
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Step 4: Fill in the information requested on page 4 Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1.,2.,4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1.,2.,4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1.,4. 1.,4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1.,4. 1.,4. 1.,3. 1.,4.

SHORT TITLE: Daniel Gonzalez vs. Buca Restaurants 2, Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1.,3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1.,2.,3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1.,2.,3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1.,2.,3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1.,2.,3. 1.,2.,3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1.,2.,3.
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1.,2.,3. 10.
	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2.,5. 2.,5. 1.,2.,5. 1.,2.,5.
Contract	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2.,5.,6. 2.,5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
		<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
<input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)		1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2.,6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2.,6.
		<input type="checkbox"/> A6032 Quiet Title	2.,6.
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2.,6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2.,6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2.,6.
	Unlawful Detainer Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2.,6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2.,6.

SHORT TITLE: Daniel Gonzalez vs. Buca Restaurants 2, Inc.		CASE NUMBER																																																																																																																	
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SHORT TITLE: Daniel Gonzalez vs. Buca Restaurants 2, Inc.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.		ADDRESS: 1442 2nd Street
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		
CITY: Santa Monica	STATE: CA	ZIP CODE: 90401

Item IV. *Declaration of Assignment:* I declare under of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: June 1, 2017



Charles L. Shute, Esq.
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY
COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet for CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian as Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

Case Number _____

BC 6 6 4 2 4 1

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3 (c)).

	ASSIGNED JUDGE	DEPT.	ROOM
	Judge Elihu M. Berle	323	1707
	Judge William F. Highberger	322	1702
	Judge John Shepard Wiley, Jr.	311	1408
	Judge Kenneth Freeman	310	1412
	Judge Ann Jones	308	1415
	Judge Maren E. Nelson	307	1402
	Judge Carolyn B. Kuhl	309	1409

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

Given to the Plaintiff/Cross Complainant/Attorney of Record on _____ SHERRI R. CARTER, Executive Officer/Clerk

BY _____, Deputy Clerk

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

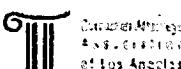


Superior Court of California
County of Los Angeles

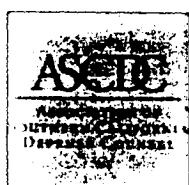


Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section◆

◆ Los Angeles County Bar Association Labor and Employment Law Section◆

◆ Consumer Attorneys Association of Los Angeles◆

◆ Southern California Defense Counsel◆

◆ Association of Business Trial Lawyers◆

◆ California Employment Lawyers Association◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – EARLY ORGANIZATIONAL MEETING		CASE NUMBER:

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, *to discuss and consider whether there can be agreement on the following:*
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

7	SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
- i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lacourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-
(INSERT DATE) (INSERT DATE)
complaint, which is comprised of the 30 days to respond under Government Code § 68616(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at www.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date:	➤	
_____	➤	(ATTORNEY FOR PLAINTIFF)
Date:	➤	
_____	➤	(ATTORNEY FOR DEFENDANT)
Date:	➤	
_____	➤	(ATTORNEY FOR DEFENDANT)
Date:	➤	
_____	➤	(ATTORNEY FOR _____)
Date:	➤	
_____	➤	(ATTORNEY FOR _____)
Date:	➤	
_____	➤	(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – DISCOVERY RESOLUTION		CASE NUMBER:

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
- iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.

4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.

It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).

6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

➤

(ATTORNEY FOR PLAINTIFF)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR DEFENDANT)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

➤

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)		CASE NUMBER:

1. This document relates to:
 Request for Informal Discovery Conference
 Answer to Request for Informal Discovery Conference
2. Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:	STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION AND ORDER – MOTIONS IN LIMINE		CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(ATTORNEY FOR PLAINTIFF)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR DEFENDANT)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR _____)

Date:

(TYPE OR PRINT NAME)

(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date:

JUDICIAL OFFICER

Superior Court of California County of Los Angeles



ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR information Packet with the complaint when serving the defendant. Cross-complainants must serve the ADR Information Packet on any new parties named to the action together with the cross-complaint.

There are a number of ways to resolve civil disputes without having to sue someone. These alternatives to a lawsuit are known as alternative dispute resolution (ADR).

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediations, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help resolve disputes without having to go to court.

Advantages of ADR

- Often faster than going to trial
- Often less expensive, saving the litigants court costs, attorney's fees and expert fees.
- May permit more participation, allowing parties to have more control over the outcome.
- Allows for flexibility in choice of ADR processes and resolution of the dispute.
- Fosters cooperation by allowing parties to work together with the neutral to resolve the dispute and mutually agree to remedy.
- There are fewer, if any, court appearances. Because ADR can be faster and save money, it can reduce stress.

Disadvantages of ADR - ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs of trial, such as attorney's fees and expert fees.

The Most Common Types of ADR

- **Mediation**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the parties, rather than the mediator, decide how the dispute is to be resolved.

- **Mediation is particularly effective** when the parties have a continuing relationship, like neighbors or business people. Mediation is also very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to express their feelings and find out how the other sees things.
- **Mediation may not be effective** when one party is unwilling to cooperate or compromise or when one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

- **Arbitration**

In arbitration, a neutral person called an “arbitrator” hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is typically less formal than a trial, and the rules of evidence may be relaxed. Arbitration may be either “binding” or “non-binding.” Binding arbitration means the parties waive their right to a trial and agree to accept the arbitrator’s decision as final. Non-binding arbitration means that the parties are free to request a trial if they reject the arbitrator’s decision.

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

- **Mandatory Settlement Conference (MSC)**

Settlement Conferences are appropriate in any case where settlement is an option.

Mandatory Settlement Conferences are ordered by the Court and are often held near the date a case is set for trial. The parties and their attorneys meet with a judge who devotes his or her time exclusively to preside over the MSC. The judge does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement.

The Los Angeles Superior Court Mandatory Settlement Conference (MSC) program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. The judges participating in the judicial MSC program and their locations are identified in the List of Settlement Officers found on the Los Angeles Superior Court website at <http://www.lacourt.org/>. This program is available in general jurisdiction cases with represented parties from independent calendar (IC) and Central Civil West (CCW) courtrooms. In addition, on an ad hoc basis, personal injury cases may be referred to the program on the eve of trial by the personal injury master calendar courts in the Stanley Mosk Courthouse or the asbestos calendar court in CCW.

In order to access the Los Angeles Superior Court MSC Program the judge in the IC courtroom, the CCW Courtroom or the personal injury master calendar courtroom must refer the parties to the program. Further, all parties must complete the information requested in the Settlement Conference Intake Form and email the completed form to mscdept18@lacourt.org.

Additional Information

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs (www.dca.ca.gov) Consumer Information Center toll free at 800-952-5210, or;
- Contact the local bar association (<http://www.lacba.org/>) or;
- Look in a telephone directory or search online for "mediators; or "arbitrators."

• There may be a charge for services provided by private arbitrators and mediators.

A list of approved State Bar Approved Mandatory Fee Arbitration programs is available at
<http://calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx#19>

To request information about, or assistance with, dispute resolution, call the number listed below. Or you may call a Contract Provider agency directly. A list of current Contract Provider agencies in Los Angeles County is available at the link below.

<http://css.lacounty.gov/programs/dispute-resolution-program-drp/>

County of Los Angeles Dispute Resolution Program
3175 West 6th Street, Room 406
Los Angeles, CA 90020-1798
TEL: (213) 738-2621
FAX: (213) 386-3995